

ORDINANCE NO. 23
(Series of 1990)

AN ORDINANCE REQUIRING REGISTERED MANAGERS OR OWNERS/OPERATORS LICENSED TO DISPENSE MALT, VINOUS, AND SPIRITUOUS LIQUORS TO ATTEND A SEMINAR ON COLORADO LIQUOR AND BEER CODES EVERY THREE (3) YEARS; AMENDING CHAPTER 4, ARTICLE 3 OF THE MUNICIPAL CODE OF THE CITY OF ASPEN

WHEREAS, the City of Aspen is a resort community with a high number of licensed establishments per capita; and

WHEREAS, the resort nature of the community fosters the employment of significant numbers of people who are unfamiliar with the Colorado Liquor and Beer Regulations and their implications;

WHEREAS, the community desires to promote responsible consumption of malt, vinous and spirituous liquors by both residents and guests; and

WHEREAS, the Aspen Police Department has experienced a significant increase in violations of the Colorado Liquor and Beer Code Regulations, particularly in requests for service by underage minors; and

WHEREAS, the City Council of the City of Aspen has determined that education on the awareness of Colorado Beer and Liquor Code Regulations by those persons actively involved in the dispensing of malt, vinous and spirituous liquors to both residents and guests will promote responsible consumption practices within the community, and reduce many of the problems of alcohol abuse, including drinking and driving.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF ASPEN, COLORADO:

Section 1

That a new Section 4-30 of the Aspen Municipal Code shall be
enacted as follows:

"Section 4.30. Definitions.

- (a) 'Manager or Owner/Operator'. As set forth in this chapter, any person who manages or is the owner/operator preparing, serving, selling or otherwise providing alcoholic beverages pursuant to licenses issued therefor shall be a manager within the meaning of this chapter. The manager or owner/operator shall not include persons who sell, serve or dispense alcoholic beverages in the capacity of volunteer. The manager or owner/operator shall not include persons employed as a clerk or checkout person in a retail store.
- (b) 'Licensee'. A licensee is a natural, legal person selling malt, vinous or spirituous beverages pursuant to and authorized by a license issued pursuant to Section 12-46-101, et seq., C.R.S. (Colorado Beer Code) or 12-47-101, et seq., C.R.S. (Colorado Liquor Code) or 12-48-101, et seq., C.R.S. (Special Events Permits) by the City of Aspen and the State of Colorado.

Section 4.31. Education Requirements.

- (a) All managers or owners/operators currently registered within the State of Colorado and the local licensing authority are required to enroll in an educational liquor seminar approved by the local liquor licensing authority within twelve (12) months and receive a certificate of completion within fifteen (15) months of the effective date of this ordinance. The certificate shall be valid for a period of three (3) years.
- (b) After the effective date of this ordinance, persons who become new managers or owners/operators registered with the State of Colorado and the local licensing authority are required to attend a liquor seminar approved by the local licensing authority within two (2) months of registration and receive a certificate of completion.

- (c) Every agency offering a course of instruction approved by the local licensing authority shall issue a certificate to those enrollees who successfully complete the liquor educational seminar. The certificate shall be dated to show the date of the completion of the training and the date of the certificate expiration and shall be evidence at a minimum that the person has been in actual attendance a minimum number of hours at the course and has achieved a reasonable mastery of the theories and facts presented. No agency approved by the City Council to provide manager or owner/operator training shall issue a certificate unless the person has actually attended and achieved a reasonable mastery of the materials.
- (d) The local licensing authority shall establish by resolution the general criteria for courses and qualifications of instructors which shall satisfy the liquor educational requirements of this section. These requirements shall be available in the office of the City Clerk within sixty (60) days of the effective date of this ordinance. Any qualified person may submit to the local licensing authority a request that a particular seminar be deemed to meet the educational requirements. The licensing authority or its designee may make such determination. A file of all course requirements shall be available in the office of the City Clerk within sixty (60) days of the effective date of this ordinance.
- (e) At the time an applicant seeks issue, renewal, transfer, change of location or change of corporate structure, the applicant shall submit to the City Clerk information which shall be required by the City Clerk to prove that the managers and/or owners/operators of the applicant required to be certified under this chapter have certificates in full force and effect. All licensees shall maintain a file of certificates on all managers and owners/operators employed by said licensee and shall exhibit said copies of certificates when requested to do so by the City Clerk, the Chief of Police, his employees, or other appropriate officials of the City of Aspen. Failure to comply with this section shall be considered a violation of the conditions of the issuance of a license and may be punished accordingly."

Section 2

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 3

Nothing in this ordinance shall be construed to affect any right, duty or liability under any ordinances in effect prior to the effective date of this ordinance, and the same shall be continued and concluded under such prior ordinances.

Section 4

A public hearing on the ordinance shall be held on the 7th day of April, 1990, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the 26th day of March, 1990.

William L. Stirling
William L. Stirling, Mayor

ATTEST:

Kathryn S. Koch
Kathryn S. Koch, City Clerk

FINALLY adopted, passed and approved this 9th day of

April, 1990.



William L. Stirling, Mayor

ATTEST:



Kathryn S. Koch, City Clerk